

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

TEE TO GREEN GOLF PARKS, INC.,
SUSAN BLUMHAGEN, and STEVEN BLUMHAGEN,

Defendants.

ORDER
00-CV-478S

1. On November 8, 2007, this Court conditionally granted Defendants' attorney's motion to withdraw as counsel. (Docket No. 130.) Attorney Rothenberg remained as Defendants' counsel of record while this Court provided Defendants the opportunity to retain new counsel. In the most recent status report, Attorney Rothenberg reports that Defendants have been unable to retain counsel. (Docket No. 136.)

2. Attorney Rothenberg further reports that Plaintiff's counsel indicated to him that he is willing to engage in settlement discussions directly with Defendants but is reluctant to do so until Attorney Rothenberg is relieved as counsel. (Docket No. 136.)

3. Accordingly, since Defendants have not retained counsel in the past four months, this Court finds that they intend to proceed *pro se*. Attorney Rothenberg's Motion to Withdraw will therefore be granted and he will be relieved as counsel in this case. Defendants must now proceed on their own. Moreover, in light of the fact that it appears that the parties will engage in settlement discussions, Plaintiff's Motion for Discovery seeking leave to depose five additional witnesses will be denied without prejudice, subject to reinstatement if necessary. (Docket No. 126.)

IT HEREBY IS ORDERED, that Attorney Rothenberg's Motion to Withdraw as Attorney of Record (Docket No. 128) is GRANTED.

FURTHER, that the Clerk of the Court is directed to terminate Attorney Rothenberg as Defendants' counsel of record and amend the docket to reflect their *pro se* status.

FURTHER, that Plaintiff's Motion for Discovery (Docket No. 126) is DENIED without prejudice to renewal at the conclusion of the parties' settlement negotiations, if necessary.

FURTHER, that the Clerk of the Court is directed to send a copy of this Decision and Order to Defendants as follows:

Mrs. Susan M. Blumhagen
64 South Cayuga Road
Williamsville, NY 14221

Mr. Steven Blumhagen (12573-055)
MDC Brooklyn
P.O. Box 329002
Brooklyn, NY 11232

SO ORDERED.

Dated: March 18, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge